

AFFIDAVIT OF EDC BENEFICIARY Instructions

All Beneficiaries are required to submit an Affidavit attesting to the residency of their employees. The Affidavit form with the employee listing must be submitted to the Virgin Islands Department of Labor and the Economic Development Commission. This report must be filed with the EDC simultaneously with the copy of the Employer's Quarterly Wage and Contribution Report within 30 days following the VIESA report's due date to the Department of Labor to avoid a late penalty. The Affidavit must be attested by two witnesses or notarized by a notary public. Employment information should coincide with the Beneficiary's quarterly reports submitted to the V.I. Department of Labor.

Eighty percent of all persons employed by the beneficiaries under the Economic Development Law shall be residents of the United States Virgin Islands; provided that, after the third year of operation, a beneficiary shall be required to have at least 20% of its management, supervisory, and/or technical positions filled by residents of the United States Virgin Islands unless granted a waiver by the Commission.

EMPLOYEE CLASSIFICATION

Enter one of the following code numbers: [e.g. 1 (full-time); 3b (Other/temporary)]

- (1) Full-time
- (2) Part-time
- (3) Other (a. seasonal, b. temporary, c. intermittent) e.g. Intern

1. FULL-TIME: Employees or employment for the purposes of the EDC as defined in Section 708-605 of the Rules and Regulations of the Economic Development Program states: "full-time employees or employment shall mean employment on a permanent and continuous basis, for thirty-two hours or more per week."

2. PART-TIME: Employees or employment shall mean employment as regularly scheduled work from 16 hours per week to less than 32 hours per week that is required to be considered a full-time employee.

3. OTHER: Seasonal employees or employment shall mean annually recurring work that lasts less than 6 months. Temporary employees or employment shall mean recurring work that lasts less than 6 months. Intermittent employees or employment shall mean employment without a regularly scheduled tour of duty. It is appropriate when the nature of the work is sporadic and unpredictable so that the tour of duty cannot be regularly scheduled in advance.

EMPLOYED THROUGH

Enter one of the following code numbers: (1) Department of Labor; (2) In-house; (3) Other

Department of Labor: Employee was hired as a result of a referral for employment from the Department of Labor to the beneficiary.

In-house: Employee was hired internally as a result of in-house postings of job vacancies by the beneficiary.

Other: Employee was hired as a result of posting vacancy through other sources such as posting of job in local newspaper, employment agency, etc.

RESIDENCY

In addition to the legal requirements, the Beneficiary should consider all other facts and circumstances in determining residency.

Enter one of the following numbers: (1) Resident; (2) Non-resident

"Resident of the Virgin Islands" means

- (1) Any U.S. citizen domiciled in the Virgin Islands for one (1) year or more;
- (2) A person who has attended a school in the Virgin Islands for at least six (6) years or is a high school or University of the Virgin Islands graduate and who is registered to vote in the Virgin Islands; or
- (3) A lawful permanent resident alien domiciled in the Virgin Islands for one (1) year or more.

A person shall demonstrate that he/she has been a resident for one (1) year or more for the purposes of the EDC by using the date of issuance information from a W-2 form, a voter registration card, a permanent resident card, or a Virgin Islands driver's license.